

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| |) | 05-30032-RCL |
| v. |) | CRIMINAL NO. _____ |
| |) | |
| LUIS RIVERA |) | |
| _____ |) | |
| Defendant |) | |

**PROCEDURAL ORDER RE: MOTIONS FOR REDUCTION IN TERM
OF IMPRISONMENT AS A RESULT OF AMENDED GUIDELINE RANGE
(POLICY STATEMENT) U.S.S.G. §1B1.10,
AS AMENDED EFFECTIVE MARCH 3, 2008**

Lindsay, D.J.

In accordance with the Standing Procedural Order entered by this Court on March 4, 2008, it is hereby ORDERED:

1. The Parties shall confer with each other and the Probation Department and, within twenty (20) days of the filing of the motion to reduce sentence, file a joint status report outlining the parties' positions, including but not limited to:

- (a) Defendant's eligibility for reduction of sentence in accordance with 18 U.S.C. §3582;
- (b) A revised Guideline Calculation;
- (c) Recommendation(s) for sentencing;
- (d) Whether a hearing is necessary and whether the defendant seeks to appear in person or via video conference;
- (e) The earliest projected release date based on the low end of the revised guideline calculation;
- (f) A briefing schedule for any contested issues, taking into account the earliest projected release date;
- (g) Whether a transcript is needed;
- (h) A copy of any plea agreement.

2. The Probation Department shall:
- (a) Provide counsel with the Presentence Report within five days of appointment of counsel, upon request, or of notification of the filing of a motion, whichever is sooner.
 - (b) Probation shall also provide counsel with a summary of the SENTRY Bureau of Prisons records, including the name and contact number of the caseworker, no later than two weeks from the notification of filing of a motion.
 - (c) Within ten (10) days after the filing of the joint status report, the Probation Department shall submit to the court and serve on the parties, an addendum to the Presentence Report. The addendum shall include:
 - (i) Whether the Probation Department agrees with the parties concerning eligibility;
 - (ii) A revised Guideline Calculation and the Probation Department's sentencing recommendation;
 - (iii) A report regarding post-conviction conduct in the Bureau of Prisons.

If the parties and the Probation Department agree that a defendant is not eligible for a reduction of sentence, the Probation Department need not provide the information required by sub-paragraph 2(b) and 2(c).

BY THE COURT,

3/13/08

DATE

/s/ Lisa M. Hourihan

Deputy Clerk